July 22, 2013

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Notice of Ex Parte Communication, GN Docket No. 12-354; WC Docket No. 11-59

Dear Ms. Dortch:

On July 18, 2013, Alexander Reynolds, Tajma Rahimic, and the undersigned of PCIA – The Wireless Infrastructure Association and the HetNet Forum, a membership section of PCIA ("PCIA"), met with Jeffrey Steinberg, Dan Abeyta, Donald Johnson, Peter Trachtenberg, Mania Baghdadi, and Stephen DelSordo of the Wireless Telecommunications Bureau. PCIA provided Federal Communications Commission ("FCC" or "Commission") staff with an industry-consensus definition for visually unobtrusive wireless facility installations that should be added to the list of facilities categorically excluded from environmental processing in 47 C.F.R. § 1.1306, Note 1. This definition will give the Commission a tool to streamline the deployment of wireless broadband services through the removal of unnecessarily restrictive regulatory barriers. PCIA also provided Commission staff with an update on the status of its discussions with the National Association of Telecommunications Officers and Advisors ("NATOA") to create voluntary wireless facility siting best practices.

Consumer demand for wireless services is increasing,[1] and to meet this demand the utilization of cell densification technologies like distributed antenna systems ("DAS") and small cell solutions is becoming more important. Highly adaptable and deployment ready, these wireless infrastructure components are very attractive means to implement wireless services because they are cost-effective solutions that can be used to amplify network capacity in urban settings, especially in areas "with stringent zoning regulations, such as historic districts."[2] They are even more attractive because of their minimal impact on the surrounding visual environment. According to individual interviews conducted by Amos J. Loveday, Ph.D., many historical preservationists' perception of small cells is that they are

[1] Mobile data usage is expected to grow 850 percent by 2017. *See* CISCO VISUAL NETWORKING INDEX: FORECAST AND METHODOLOGY, 2012-2017, CISCO SYSTEMS, INC., 14 (May 29, 2013), http://www.cisco.com/en/US/solutions/collateral/ns341/ns525/ns537/ns705/ns827/white_paper_c11-481360.pdf..

[2] *See* Amos J. Loveday, Ph.D., *DAS/Small Cells & Historic Preservation: An Analysis of the Impact of Historic Preservation Rules on Distributed Antenna Systems and Small Cell Deployment* (Feb. 27, 2013) ("Loveday Report"), *citing In re* Annual Report and Analysis of Competitive Market Conditions With Respect to Mobile Wireless, Including Commercial Mobile Services, *Fourteenth Report*, 25 FCC Rcd 11407, 11578 n.757 (2010) ("Fourteenth Report").

"less visually intrusive" than traditional macro sites, and that any "adverse effects would be limited" compared to standard towers in highly sensitive areas.[3]

PCIA and its member companies have urged the Commission to address deployment difficulties through a rulemaking to add DAS and small cell solutions to the list of categorical exclusions in Note 1 to 47 C.F.R. § 1.1306.[4] This rulemaking would allow interested stakeholders, including preservationists, Indian tribes, and native Hawaiian organizations, the opportunity to participate in the development of the exclusions.

AT&T has called for "clear, concise, and flexible definition of small cells," in order to accommodate new technologies and evolution of DAS and small cells while keeping in mind any historical and environmental impact.[5] Additionally, AT&T argued that the "minimal impact of DAS and small cells warrants minimal regulatory treatment."[6] At these meetings both AT&T and Verizon Wireless shared examples of the type of equipment they are deploying now and in the future.[7]

PCIA submits the following consensus definition of wireless facility installations that should qualify for categorical exemption under 47 C.F.R. § 1.1306, Note 1.

> Wireless facility installations that are categorically exempt from National Environmental Policy Act ("NEPA") and National Historic Preservation Act ("NHPA") review are the types of minimally invasive wireless infrastructure designed to provide service in a limited geographic area. In general, these installations can consist of relatively inconspicuous, small form-factor installations consisting of one or more radio transceivers, antennas, interconnecting cables, power supply, and other associated electronics. The wireless facilities referred to are generally made up of an equipment enclosure, antenna and associated equipment.
>
> If a wireless facility installation conforms to the parameters below, the installation is categorically excluded from NEPA and NHPA review:

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[3] *See id*. at 5.

[4] Letter from D. Zachary Champ, Gov't Affairs Counsel, PCIA – The Wireless Infrastructure Ass'n, to Marlene H. Dortch, Sec'y, FCC (April 8, 2013), http://apps.fcc.gov/ecfs/document/view?id=7022145035 (urging the Commission to examine the regulatory barriers that stand in the way of DAS and small cell deployment); Letter from D. Zachary Champ, Gov't Affairs Counsel, PCIA – The Wireless Infrastructure Ass'n, to Marlene H. Dortch, Sec'y, FCC (March 19, 2013), http://apps.fcc.gov/ecfs/document/view?id=7022132595 (outlining the path the Commission should take to streamline its environmental and historic preservation requirements to facilitate DAS and small cell deployments); Letter from D. Zachary Champ, Gov't Affairs Counsel, PCIA – The Wireless Infrastructure Ass'n, to Marlene H. Dortch, Sec'y, FCC (February 15, 2013), http://apps.fcc.gov/ecfs/document/view?id=7022121961 (discussing small cell and DAS deployment plans and regulatory barriers that stand in the way).

[5] Letter from Colleen Thompson, Associate Director, Fed. Regulatory Affairs, AT&T, to Marlene H. Dortch, Sec'y, FCC (June 17, 2013), http://apps.fcc.gov/ecfs/document/view?id=7520919933 ("AT&T Letter").

[6] *Id*. at 1.

[7] *See id.* at 4 (claiming that "AT&T utilizes the smallest components that are suitable and reliable . . . and can further minimize the profile by painting oDAS and small cell components to match the pole or blend in with the surrounding area when appropriate). *See generally* Letter from Tamara Preiss, Vice President, Fed. Regulatory Affairs, Verizon, to Marlene H. Dortch, Sec'y, FCC (May 14, 2013), http://apps.fcc.gov/ecfs/document/view?id=7022313629 (providing the FCC with examples of oDAS and small cell systems available for deployment).

1.) Equipment Volume. An equipment enclosure shall be no larger than seventeen (17) cubic feet in volume.

2.) Antenna Volume. Each antenna associated with the installation shall be in an antenna enclosure of no more than three (3) cubic feet in volume. Each antenna that has exposed elements shall fit within an imaginary enclosure of no more than three (3) cubic feet.

3.) Infrastructure Volume. Associated electric meter, concealment, telecom demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch may be located outside the primary equipment enclosure(s) and are not included in the calculation of Equipment Volume.

Volume is a measure of the exterior displacement, not the interior volume of the enclosures. Any equipment that is concealed from public view in or behind an otherwise approved structure or concealment, is not included in the volume calculations.

This definition, which has widespread industry support, includes a volume calculation that accommodates current DAS and small cell deployments and anticipates foreseeable technological development. However, while the volume measurement has been carefully calibrated, unanticipated developments in DAS and small cell technology may require future flexibility. Therefore, PCIA requests that the FCC develop an accelerated waiver process for wireless facilities that conform to the intention of the exemption but do not fit within the stated dimensions.

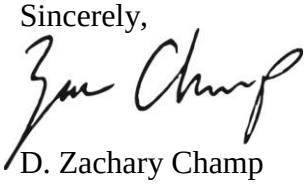
The Commission has recognized in the past that DAS and small cell technologies are ideal for meeting universal broadband coverage in the United States because of their minimal environmental impact.[8] PCIA urges the Commission to use its proposed definition when crafting the exclusion applicable to 47 C.F.R. § 1.1306, Note 1. PCIA believes that adoption of this definition will aid in streamlining DAS and small cell deployment and assist in meeting the consumer demand for wireless services coverage and capacity.

In addition, PCIA provided a status update on its efforts with NATOA to draft voluntary best practices for wireless facility siting. We discussed the goals, nature and scope of the best practices, noting that they are designed to facilitate discussion of common issues that arise in the course of industry negotiations with local governments. However, we urged the Commission not to view voluntary best practices as a substitute for a rulemaking proceeding in which all parties have an opportunity to comment on the legal framework governing wireless facilities siting.

[8] Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, Annual Report and Analysis of Competitive Market Conditions with Respect to Mobile Wireless, including Commercial Mobile Services, WT Docket No. 11-186, *Sixteenth Report*, FCC 13-34, at ¶ 321 (rel. March 21, 2013).

Pursuant to Section 1.1206 of the Commission's rules, this letter is being filed via ECFS, and a copy will be provided via email to the attendees. Please do not hesitate to contact the undersigned with any questions.

Sincerely,



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Cc: Jane Jackson, Jeffrey Steinberg, Donald Johnson, Dan Abeyta, Mania Baghdadi, Peter Trachtenberg, Stephen DelSordo

APPENDIX

Proposed Exemption in 47 C.F.R. § 1.1306, Note 1 for Wireless Facilities

PCIA – The Wireless Infrastructure Association and the HetNet Forum suggest that the following language should be used to craft an exception in 47 C.F.R. § 1.1306, Note 1 for certain types of wireless facilities. Wireless facilities that conform to the definition's parameters would be categorically excluded from National Environmental Policy Act and National Historic Preservation Act review.

Wireless facility installations which are categorically exempt from National Environmental Policy Act ("NEPA") and National Historic Preservation Act ("NHPA") review are the types of minimally invasive wireless infrastructure designed to provide service in a limited geographic area. In general, these installations can consist of relatively inconspicuous, small form-factor installations consisting of one or more radio transceivers, antennas, interconnecting cables, power supply, and other associated electronics. The wireless facilities referred to are generally made up of an equipment enclosure, antenna and associated equipment.

If a wireless facility installation conforms to the parameters below, the installation is categorically excluded from NEPA and NHPA review:

4.) Equipment Volume. An equipment enclosure shall be no larger than seventeen (17) cubic feet in volume.

5.) Antenna Volume. Each antenna associated with the installation shall be in an antenna enclosure of no more than three (3) cubic feet in volume. Each antenna that has exposed elements shall fit within an imaginary enclosure of no more than three (3) cubic feet.

6.) Infrastructure Volume. Associated electric meter, concealment (a.k.a. "stealthing"), telecom demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch may be located outside the primary equipment enclosure(s) and are not included in the calculation of Equipment Volume.

Volume is a measure of the exterior displacement, not the interior volume of the enclosures. Any equipment that is concealed from public view in or behind an otherwise approved structure or concealment, is not included in the volume calculations.